

Public Chapter 493

HOUSE BILL NO. 1421

By Representative Kent

Substituted for: Senate Bill No. 1691

By Senator Leatherwood

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 14, relative to certain establishments selling food which provide delivery services for its food product.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. For purposes of this act, the term "Quick Fast Food Establishment" means those food establishments which only prepare food to be eaten off premises and provides delivery services for such food but provide no set up, serving, or clean-up services.

SECTION 3.

(a) Every quick fast food establishment delivery vehicle, whether owned by such establishment or not, used in the delivery of such prepared food, shall be clearly marked with the name and/or logo of the quick fast food establishment.

(b) If the quick fast food establishment or one of its delivery employees has a reasonable belief that providing delivery services to an address would expose delivery personnel to a risk of harm the name or logo may be removed.

SECTION 4. (a) All vehicles owned by a quick fast food establishment used in the delivery of its products must meet the requirements for proof of financial responsibility in accordance with Section 55-12-102(12)(C).

No employee shall be authorized to use such employee's personal vehicle unless the employee provides written proof of compliance with such financial responsibility requirements to the quick fast food establishment, unless such requirements are met by the employer to cover the employee's vehicle. Such written proof of compliance with the financial responsibility statute shall be presented at the time the person is hired to provide delivery services and at least quarterly thereafter while employed in such capacity.

SECTION 5. (a) Each quick fast food establishment shall maintain accurate and current files on each employee hired to provide delivery services which verify that the employee has met the requirements of this act. Such files shall be maintained by the quick fast food establishment and shall be open for inspection by the Commissioner of Health or the commissioner's authorized agent.

(b) A fine not to exceed two hundred fifty dollars (\$250) for each violation shall be assessed by the commissioner or the commissioner's authorized agent after providing an opportunity for a hearing; provided, however, in addition to assessing such fines, the commissioner or the commissioner's authorized agent may revoke a permit for repeated violations of the requirements of this act or for interference with the commissioner or the commissioner's agent in the performance of such official's duty.

SECTION 6. The files required to be maintained by this part shall be kept by any food service establishment, as defined in this part, which employs drivers or contracts with drivers or contracts with companies which provide drivers for the delivery of food as defined in this part. In the event such food service establishment contracts with a company which provides drivers for the delivery of food, the company shall provide to the food service establishment proof of financial responsibility for each of the company's employees providing the driving services under such contract.

SECTION 7. For all other purposes this act shall take effect July 1, 1997, the public welfare requiring it.